

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 49 am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-EIGHTH LEGISLATURE - FIRST SESSION**

**BY SENATORS COGHILL, Olson, Kelly, Dyson, Micciche, Dunleavy, Giessel**

**REPRESENTATIVE Lynn**

**Amended: 4/9/13**

**Introduced: 2/15/13**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to women's health services and defining 'medically necessary abortion'**  
2   **for purposes of making payments under the state Medicaid program."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4    \* **Section 1.** AS 47.07.030 is amended by adding a new subsection to read:

5           (g) The department shall make available to eligible recipients a program for  
6       women's health for the purpose of providing family planning services, health  
7       screening examinations, and related services.

8    \* **Sec. 2.** AS 47.07 is amended by adding a new section to read:

9           **Sec. 47.07.068. Payment for abortions.** (a) The department may not pay for  
10       abortion services under this chapter unless the abortion services are for a medically  
11       necessary abortion or the pregnancy was the result of rape or incest. Payment may not  
12       be made for an elective abortion.

13           (b) In this section,

14               (1) "abortion" has the meaning given in AS 18.16.090;

1 (2) "elective abortion" means an abortion that is not a medically  
2 necessary abortion;

3 (3) "medically necessary abortion" means that, in a physician's  
4 objective and reasonable professional judgment after considering medically relevant  
5 factors, an abortion must be performed to avoid a threat of serious risk to the life or  
6 physical health of a woman from continuation of the woman's pregnancy;

7 (4) "serious risk to the life or physical health" includes, but is not  
8 limited to, a serious risk to the pregnant woman of

9 (A) death; or

10 (B) impairment of a major bodily function because of

11 (i) diabetes with acute metabolic derangement or severe  
12 end organ damage;

13 (ii) renal disease that requires dialysis treatment;

14 (iii) severe pre-eclampsia;

15 (iv) eclampsia;

16 (v) convulsions;

17 (vi) status epilepticus;

18 (vii) sickle cell anemia;

19 (viii) severe congenital or acquired heart disease, class

20 IV;

21 (ix) pulmonary hypertension;

22 (x) malignancy if pregnancy would prevent or limit  
23 treatment;

24 (xi) kidney infection;

25 (xii) congestive heart failure;

26 (xiii) epilepsy;

27 (xiv) seizures;

28 (xv) coma;

29 (xvi) severe infection exacerbated by pregnancy;

30 (xvii) rupture of amniotic membranes;

31 (xviii) advanced cervical dilation of more than six

1 centimeters at less than 22 weeks gestation;

2 (xix) cervical or cesarean section scar ectopic  
3 implantation;

4 (xx) any pregnancy not implanted in the uterine cavity;

5 (xxi) amniotic fluid embolus; or

6 (xxii) another physical disorder, physical injury, or  
7 physical illness, including a life-endangering physical condition caused  
8 by or arising from the pregnancy that places the woman in danger of  
9 death or major bodily impairment if an abortion is not performed.

10 \* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to  
11 read:

12 **WOMEN'S HEALTH PROGRAM UNDER STATE MEDICAID.** The Department of  
13 Health and Social Services shall immediately prepare and submit to the United States  
14 Department of Health and Human Services, for approval in accordance with the provisions of  
15 42 U.S.C. 1396a (Title XIX, Social Security Act), an amendment to the state plan consistent  
16 with AS 47.07.030, enacted by sec. 1 of this Act.